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FUJIAN JINHUA INTEGRATED CIRCUIT CO., LTD.

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

UNITED STATES OF AMERICA,

Plaintiff,

v.

UNITED MICROELECTRONICS
CORPORATION, *et al.*,

Defendants.

CASE NO.: 3:18-cr-00465-MMC

**DEFENDANT FUJIAN JINHUA
INTEGRATED CIRCUIT CO., LTD.'S
RESPONSE TO THE UNITED
STATES' STATUS UPDATE
REGARDING DIPLOMATIC
CORRESPONDENCE**

Judge: The Honorable Maxine M. Chesney
Trial Date: February 28, 2022

RESPONSE TO UNITED STATES' STATUS UPDATE

Defendant Fujian Jinhua Integrated Circuit Co., Ltd ("Jinhua") submits this response to the United States' Status Update Regarding Diplomatic Correspondence (ECF 476) in order to provide the Court with an update on the status as of close of business on Sunday, May 15, 2022.

As indicated in the government's status report, the United States sent a diplomatic note to the Embassy of the People's Republic of China, dated April 29, 2022, advising the PRC that the Court had approved Jinhua's request to take remote testimony of witnesses in China in connection with this case. (Id. at 1). On Saturday, May 14, 2022, the government sent Jinhua's counsel an email notifying Jinhua that the U.S. State Department had received a diplomatic note back from the PRC Central Authority advising the United States that "the Chinese side is studying the issues and will respond to the U.S. side soon." The government's email further informed Jinhua's counsel that the PRC had requested that the remote testimony scheduled for May 16, 2022, be postponed pending the PRC's review of the issues.

Given that Jinhua believes that it has received authority to proceed with the testimony in this action, as previously discussed with the Court and the government, Jinhua was surprised by the substance of the diplomatic note and is uncertain regarding the circumstances that prompted the request to postpone the proceeding. To facilitate a prompt resolution of the issue, Jinhua's counsel requested copies of the above-referenced communications. Jinhua's counsel was informed by the government that diplomatic protocol prevents the government from sharing those communications with Jinhua. Nevertheless, Jinhua, through its shareholder Fujian Electronics & Information (Group) Co. Ltd., and its local counsel in China promptly attempted to contact the relevant authorities in China to inquire regarding the diplomatic note. As of the time of the filing of this pleading, Jinhua has not yet been able to speak with those authorities. Given the time difference between China and California, Jinhua will continue its efforts during Monday in China and Sunday evening/Monday morning in California.

1 Jinhua will report any update to the Court and the government at the hearing on the
2 morning of May 16th.

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4 DATED: May 15, 2022

5 SKADDEN, ARPS, SLATE, MEAGHER & FLOM LLP

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8 By: /s/ Jack P. DiCanio
9 Jack P. DiCanio
10 Attorneys for Defendant
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